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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,528	09/24/2004	Panu Korhonen	890A.002.U1(US)	2810
29683 7590 04/20/2007 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER PEREZ, ANGELICA	
			ART UNIT	PAPER NUMBER
			2618	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,528	KORHONEN ET AL.	
	Examiner	Art Unit	
	Perez M. Angelica	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 02/05/2007 have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance:

(A) Pages 6 and 7, lines read, "Rosenberg does not disclose that the actuator may provide a signal."

In response to argument (A), the examiner would like to answer that given a reasonable broad interpretation to the claim, it is not certain where in the applicant's claim the actuator provides the electrical signal. It can be read where "electrical power is supplied to the drive means" (line 7 in claim 1). In addition, the Rosenberg reference refers to an electromechanical actuator (electrical current is induced so that mechanical movement is produced).

(B) Page 7 reads, "Schaupp does not disclose that an actuator has a movable means that performs a mechanical movement when electrical power is applied to drive means."

In response to argument (B), the examiner would like to point where the Rosenberg reference teaches the actuator that performs mechanical movement when electrical current is applied to it. The Schaupp reference teaches where the portable telecommunication device is moved in a way that causes the movable means to move. E.g., where the device is controlled when certain movement is detected.

(C) Page 7, paragraph 3 read, "Rosenberg is not related to portable telecommunication devices... Rosenberg can not be combined to Schaupp..."

In response to argument (C), the examiner would like to point where the issue had been already been addressed in the first office action dated 7/31/06. Rosenberg might not show a portable device, however, Schaupp does as shown in the rejection.

Rosenberg and Schaupp refer to user interfaces that provide control to devices when certain motion/movement is detected.

(D) Page 8, reads, "Lands does not remedy the deficiencies of Rosenberg and Schaupp."

In response to argument (D), the examiner would like to point where Lans as already mentioned for Rosenberg and Schaupp, deals with interfaces that provide control to devices when certain motion/movement is detected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (Rosenberg et al; US Pub. No.: 2001/0020937 A1) in view of Schaupp (Schaupp et al.; 2,358,336).

Regarding claims 1 and 12, Rosenberg teaches of a user interface for providing operational input to a telecommunication device without using keys or corresponding manual input means, comprising (paragraph 14; where the examiner selected “without using keys” from the options provided): an electromechanical actuator including an electrical drive means provided with supply means for electrical power and a movable means arranged in relation to the drive means in such a way that the movable means performs a mechanical movement when electrical power is supplied to the drive means (paragraphs 14 and 16-17), and a sensing unit, for sensing the induced electrical signal (paragraph 16), characterized in that the user interface further comprises: a control means, for controlling a desired operation of portable telecommunication device by means of the signal induced in the drive means (paragraphs 16-17, where the processor provides the control means).

Rosenberg does not specifically teach of a portable user interface and where an electric signal is induced in the drive means when the portable telecommunication device is moved in a way that causes the movable means to move.

In related art concerning the method of selecting alphanumeric characters or menu options by movement of a display device, Schaupp teaches of a portable user interface and where an electric signal is induced in the drive means when the portable telecommunication device is moved in a way that causes the movable means to move (figure 3, item 100; page 4, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Rosenberg’s user interface with Schaupp’s portable

interface in order to "facilitate entry of user data and commands by detecting motion", as taught by Schaupp.

Regarding claim 2, Rosenberg in view of Schaupp teaches all the limitations of claim 1. Rosenberg further teaches where the control means, includes means for providing a control signal used for switching a function on/of (paragraphs 159 and 203; where on or off switch is controlled by a control signal).

Regarding claim 6, Rosenberg in view of Schaupp teaches all the limitations of claim 1. Rosenberg further teaches where the control means includes means for providing an identification signal for informing the user that the portable telecommunication device is switched to an induced electrical signal operation mode (paragraph 14).

Regarding claim 7, Rosenberg in view of Schaupp teaches all the limitations of claim 1. Rosenberg further teaches the sensing unit, includes means for providing an identification signal identifying the direction of movement of the movable means (paragraph 81).

Regarding claims 8 and 13, Rosenberg in view of Schaupp teaches all the limitations of claims 1 and 12, respectively. Rosenberg further teaches where the electromechanical actuator is a rotating electric motor, provided with rotating eccentric means (paragraph 152).

Regarding claims 9 and 14, Rosenberg in view of Schaupp teaches all the limitations of claims 1 and 12, respectively. Rosenberg further teaches where the

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electromechanical actuator is a linear electric actuator provided with coil means and a moving magnetic core (abstract and paragraphs 81, 155 and 162).

Regarding claim 10, Rosenberg in view of Schaupp teaches all the limitations of claim 1. Rosenberg further teaches where the sensing unit comprises an amplifier (paragraphs 118 and 119) and a threshold unit whereby a control signal is generated in the control unit when the voltage exceeds a predefined threshold voltage (paragraphs 10 and 17).

Regarding claim 16, Rosenberg and Schaupp teach all the limitations of claim 15. Schaupp further teaches where the portable telecommunication device is a cellular phone (page 1, lines 12-14)

4. Claims 3-5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (Rosenberg et al; US Pub. No.: 2001/0020937 A1) in view of Schaupp and further in view of Lands, (Lands et al.; US Patent No.: 6,411,828 B1).

Regarding claim 3, Rosenberg in view of Schaupp teaches all the limitations of claim 1.

Rosenberg in view of Schaupp does not specifically teach where the control means, includes means for providing a control signal used for switching the telecommunication device to a specific mode.

In related art concerning a communication devices and methods that operate according to communications device orientation, Lands teaches where the control means, includes means for providing a control signal used for switching the

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telecommunication device to a specific mode (column 4, lines 17-37 and figure 5b, items 513, 560 and 511).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Rosenberg in view of Schaupp's user interface with Lands's selection of modes in order to provide improved speakerphone operations according to the selected mode of operation, as taught by Lands.

Regarding claim 4, Rosenberg in view of Schaupp teaches all the limitations of claim 1.

Rosenberg in view of Schaupp does not specifically teach where the control means includes means for stopping the movable means in such a position that makes it possible for it to move when the portable telecommunication device is moved.

Lands teaches where the control means includes means for stopping the movable means in such a position that makes it possible for it to move when the portable telecommunication device is moved (column 4, lines 53-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Rosenberg in view of Schaupp's user interface with Lands's control means in order to operate the device as desired.

Regarding claim 5, Rosenberg in view of Schaupp teaches all the limitations of claim 1.

Rosenberg in view of Schaupp does not specifically teach where the control means includes means for stopping the movement of the movable means before the

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portable telecommunication device is switched to an induced electrical signal operation mode.

Lands teaches where the control means includes means for stopping the movement of the movable means before the portable telecommunication device is switched to an induced electrical signal operation mode (paragraphs 14, e.g., "speaker phone mode").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Rosenberg in view of Schaupp's user interface with Lands's change of mode in order to provide versatility to the device.

Regarding claim 15, Rosenberg and Schaupp teach all the limitations of claim 12.

Rosenberg and Schaupp do not specifically teach of a keypad coupled to the controller.

Lands teaches of a keypad coupled to the controller (figure 5C, keypad 119 coupled to processor 510).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Rosenberg's and Schaupp's user interface with Lands's keypad coupled to the controller in order to maintain operation of the device in a more3 traditional keypad-operated manner.

5. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg in view of Schaupp and further in view of Suuronen, Heikki (Suuronen EP No.: 0,973 138 A2).

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Regarding claim 17, Rosenberg and Schaupp teach all the limitations of claim 12.

Rosenberg and Schaupp do not specifically teach where the portable telecommunication device is moved in a way corresponding to shaking the portable telecommunications device.

In related art concerning an integrated motion detector in a mobile communication device, Suuronen teaches of a portable telecommunication device is moved in a way corresponding to shaking the portable telecommunications device (paragraphs 15-16, where a vibrating alarm produces a shaking movement).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Rosenberg's and Schaupp's user interface with Suuronen's device vibrating movement in order to, for example, inform a user about a incoming all

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 2:00 p.m., Monday - Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information


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for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angélica Pérez
Examiner



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER

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April 14, 2007